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MAILED

AUG 15 2011

OFFICE OF PETITIONS

In re Application of :
Le Roy et al. :
Application Number: 10/583,844 : ON PETITION
Filing Date: 06/22/2006 :
Attorney Docket Number: :
PF030184 :
:

This is a decision on the renewed petition under 37 CFR 1.137(a), filed on July 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on December 1, 2010, for failure to timely file a response to the non-final Office action mailed on August 31, 2010, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on March 19, 2011.

The application is restored to pending status.

The duplicate petition fee of \$540.00 is unnecessary and will be refunded to counsel's deposit account.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.¹ The three (3)-month extension request filed on July 28, 2011, was submitted more than three (3) months after the end of the period for reply to the non-final Office action mailed on August 31, 2010, and therefore is unnecessary. The extension of time fee paid on July 28, 2011, will be refunded to counsel's deposit account.

¹ See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

The application is being referred to Technology Center Art Unit 2629 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

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